

**CERTIFICATE OF REPRESENTATION
FOR AN ARTIFICIAL ENTITY OR PUBLIC BODY
IN CIVIL CASES IN THE JUSTICE OF THE PEACE COURT**

[PLEASE READ THE INFORMATION ON THE BACK OF THIS FORM BEFORE COMPLETING THE FORM.] This certification form must be completed by an officer of the artificial entity or public body as defined by Supreme Court Rule 57, notarized and the **original** forwarded to the **Chief Magistrate, 5 East Pine Street, Georgetown, Delaware 19947, along with the \$15 annual fee.** Check or money order should be made payable to the **Delaware Supreme Court.**]

NAME OF ARTIFICIAL ENTITY/PUBLIC BODY (please print): _____

YOU MUST CHECK ONE OF THESE TO BE ELIGIBLE TO USE RULE 57:

TYPE: DE Corporation _____, Partnership _____, Limited Liability Co. _____, Association _____, Estate _____, Trust _____, Public Body _____, Entity with Registered Tradename or Title (see back of form for explanation) _____, Foreign Corp. registered in DE _____.

HAS ITS PRINCIPAL OFFICE AT _____
(Street Address, City, State, Zip Code) (Phone)

Appoints _____ to appear on behalf of the artificial entity/public body in all matters before the Justice of the
(NAMED REPRESENTATIVE please print)

of the Peace Court of the State of Delaware. The artificial entity or public body, through signature of an officer on this document, ratifies and confirms that the named representative is authorized to appear on its behalf in all matters before the Justice of the Peace Court, and agrees that it will be bound by the results of that representation. This certification makes the named representative of the artificial entity or public body an agent only for purposes of this representation. By filing a certification, the artificial entity or public body and its named representative are subject to the **sanctions** set forth in Justice of the Peace Court Rules for inappropriate actions.

The artificial entity/public body, through signature of an officer on this document, certifies and affirms:

- (1) That the artificial entity/public body is in good standing.
- (2) That the named representative is:

(CHECK ONE)

- _____ chief executive, president or chair
- _____ vice-president or vice-chair
- _____ secretary or assistant secretary
- _____ treasurer or assistant treasurer
- _____ trustee of a trust
- _____ executor or administrator of an estate
- _____ general partner of a limited or general partnership
- _____ manager or member of a limited liability company
- _____ other officer (specify) _____
- _____ full-time employee who has experience in the operations of the artificial entity/public body and knowledge of the necessary facts and law relevant to the action before the Justice of the Peace Court
- _____ manager who is responsible for the management of the property at issue in the action before the Court.

(3) That the named representative has not been disbarred from, or is not currently under suspension or probation with respect to, the practice of law in any state or jurisdiction within the United States; and has not been convicted of a felony or a crime involving dishonesty or false statement in the ten (10) year period immediately prior to the appearance of the named representative in the Court; and has not been determined to have engaged in the unauthorized practice of law in this or any other jurisdiction; and is not an employee whose primary duty is to prosecute or defend Justice of the Peace Court civil actions; and has not had any prior authorization pursuant to this rule revoked by the Chief Magistrate.

EXECUTED BY: _____ **NAME OF OFFICER(Printed):** _____
Officer of Artificial Entity or Public Body

POSITION OF OFFICER: _____

SWORN TO AND SUBSCRIBED before me this _____ day of _____ A.D. 20 _____.

(Notary Public)

EXECUTED BY: _____
Named Representative

SWORN TO AND SUBSCRIBED before me this _____ day of _____ A.D. 20 _____.

(Notary Public)

ARTIFICIAL ENTITY AND PUBLIC BODY *PRO SE* REPRESENTATION IN CIVIL ACTIONS IN THE JUSTICE OF THE PEACE COURT

- **What does Supreme Court Rule 57 do?** Rule 57 allows artificial entities or public bodies to file or defend a case and to appear in Justice of the Peace Court without being represented by a duly licensed Delaware attorney.
- **How do I know if I am an artificial entity or public body and can appear in the Justice of the Peace Court without an attorney under Rule 57?** Under Supreme Court Rule 57, an **artificial entity** means any **corporation** incorporated in Delaware or doing business in Delaware pursuant to the provisions of 8 *Del.C.* § 371, any **limited liability company** defined under the provisions of 6 *Del.C.* § 18-101, any **partnership** or **limited partnership** as defined in 6 *Del.C.* § 15- 101(11) *et seq.*, any **trust** as defined in 12 *Del.C.* § 3501 *et seq.*, any **estate** as defined in 12 *Del.C.* § 1501 *et seq.*, or other entity which has filed a certificate in the office of the Prothonotary in the County in which it does business designating a tradename or title pursuant to 6 *Del.C.* § 3101. **Public body** means any regulatory, administrative, executive, or legislative body of the State or of any political subdivision of the State, including, but not limited to, any board, bureau, commission, department, division, district, agency, authority, or any municipal or county government. **IF YOUR ORGANIZATION DOES NOT FALL UNDER ONE OF THESE CATEGORIES, YOU MAY NOT TAKE ADVANTAGE OF RULE 57 PROVISIONS.** For example, if Joe Jones is a sole proprietor doing business as “Jones Restaurant”, Joe Jones must appear himself (or have an attorney represent him) in Justice of the Peace Court cases unless he either establishes a corporation, partnership, limited liability company, and/or registers his tradename in the office of the Prothonotary at the Superior Court of the county in which his business is located, and then files a Form 50, along with the annual fee, in the Chief Magistrate’s office.
- **How can artificial entities or public bodies take advantage of Rule 57?** **MOST IMPORTANTLY, J.P. CIV. FORM NO. 50 MUST BE COMPLETED, NOTARIZED AND FORWARDED TO THE CHIEF MAGISTRATE, 5 EAST PINE STREET, GEORGETOWN, DELAWARE 19947, ALONG WITH THE \$15.00 ANNUAL REGISTRATION FEE.** The certificate must be signed by an officer of the artificial entity or public body (the definition of “officer” for Rule 57 is explained below) and the representative (see below), in the presence of a notary public. A \$15.00 annual registration fee must be sent with the **original** Form 50 to the Chief Magistrate’s office. A check or money order must be made payable to the **Delaware Supreme Court**. ***PLEASE BE SURE TO KEEP A COPY OF THE COMPLETED FORM 50 FOR YOUR RECORDS***, and a clocked in copy with you everytime you are in Court.
- **Does Rule 57 allow an entity to appear without an attorney in all Delaware courts?** **NO.** Provisions of Supreme Court Rule 57 only allow an artificial entity to appear without representation by an attorney in the **Justice of the Peace Court**. If a case is appealed to the Court of Common Pleas, artificial entities must be represented by an attorney in that court and other Delaware courts.
- **Who can sign the Form 50 certifying the named representative for the artificial entity?** The Form 50 must be signed by an **officer** of the artificial entity or public body. To sign as an **officer** under Rule 57, a person must be one of the following: the chief executive; operating, financial, legal or accounting officer of an artificial entity or public body; chair of the governing board, president, treasurer, secretary, vice-president, vice-chair, assistant secretary, assistant treasurer, superintendent, or **other person who performs a major policy making function for the artificial entity or public body**; trustee of a trust; executor or administrator of an estate; general partner of a limited or general partnership; manager or member of a limited liability company; or any other individual designated as an officer by the artificial entity or public body. By signing the form, the officer is **certifying under oath** that the named representative has not been disbarred from, or is not currently under suspension or probation with respect to the practice of law in any State or jurisdiction within the United States; has not been convicted of a felony or crime involving dishonesty or false statement in the ten year period prior to the appearance of the representative in the Court; has not been determined to have engaged in the unauthorized practice of law in this or any other jurisdiction; has not had any prior certification revoked by the Chief Magistrate; and that it is not an employee’s primary duty to prosecute or defend Justice of the Peace Court civil actions. **The officer who signed the form has the continuing responsibility to notify the Chief Magistrate’s office and the Justice of the Peace Court in which the artificial entity or public body has a case pending of any material change and circumstances affecting the certificate.** This notification must occur within a reasonable time and at least one week prior to any appearance in a Justice of the Peace Court of the officer or employee involved.
- **Who can serve as a representative for an artificial entity or public body?** An **officer** as defined in Rule 57 may serve as a **representative** of an artificial entity or public body. In addition, a full-time **employee** who has experience in the operations of the artificial entity or public body and has knowledge of the necessary facts and law relevant to the case before the Justice of the Peace Court, or a manager who is responsible for the management of the property at issue in a case before the J.P. Court may also represent the entity or public body. **A separate form must be filed for each representative.**
- **How often does the Form 50 certificate need to be filed?** **Form 50 certificates must be renewed annually by filing a new Form 50, along with the \$15.00 fee, with the Chief Magistrate’s office on or before January 15th of each year.** To be considered a renewal for the next year, the new Form 50 cannot be filed with the Chief Magistrate’s office before December 15th (one month prior to the January 15th date). Certifications accepted on or after December 15th of each year are valid for the remainder of the certification term and also serve as a renewal for the one year period following January 14th, unless terminated or revoked. The Chief Magistrate may **revoke** a certification at the Chief Magistrate’s discretion, upon review of a certificate or upon recommendation of a Justice of the Peace. ***The ability of a non-lawyer to represent an artificial entity or public body in the Justice of the Peace Court is a privilege, not a right.*** Certificates containing false or fraudulent information shall be forwarded by the Chief Magistrate to the Department of Justice for prosecution or other action and to the Board on the Unauthorized Practice of Law, and representatives and officers signing the Form 50 may be sanctioned under the J.P. Rules for inappropriate actions.
- **What should an artificial entity do if the named representative leaves?** When an officer or employee who has been certified to represent an artificial entity or public body leaves the employ of that entity, the entity must notify the Justice of the Peace Court in which an action is pending and the Chief Magistrate’s office **in writing immediately upon the termination of the officer or employee.**